WHO ARE THE AGITATORS?

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SPEECH

OF

HON. A. A. BURNHAM, OF CONNECTICUT.

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Delivered in the U. S. House of Representatives, March 7, 1860.

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The House being in the Committee of the Whole on the state of the Union—

Mr. BURNHAM said:

Mr. CHAIRMAN: The President of the United States, in his annual message to the two houses of Congress, congratulates us as follows:

"I cordially congratulate you upon the final 'settlement, by the Supreme Court of the United 'States, of the question of slavery in the Terri-'tories, which had presented an aspect so truly 'formidable at the commencement of my Ad-'ministration. The right has been established 'of every citizen to take his property of any 'kind, including slaves, into the common Terri-'tories, belonging equally to all the States of the 'Confederacy, and to have it protected there un-'der the Federal Constitution. Neither Congress 'nor a Territorial Legislature, nor any human 'power, has any authority to annul or impair 'this vested right. The supreme judicial tribu-'nal of the country, which is a co-ordinate 'branch of the Government, has sanctioned and 'affirmed these principles of constitutional law, 'so manifestly just in themselves, and so well 'calculated to promote peace and harmony 'among the States."

It would seem, Mr. Chairman, that if this whole question touching the rights of slave property in the Territories of the United States had thus been finally and completely settled by the Supreme Court of the United States, as the President declares it to have been, those in whose favor it has been settled might, for a while at least, have permitted this exciting topic to remain at rest. If those against whose interests and against whose opinions this question had been thus settled were content not to renew this exciting subject, which had so much and so long disturbed the country, those in whose favor it had been settled should have allowed it to rest in peace. So far as I know, so far as I believe, there was no disposition on the part of members of the Republican party who occupy seats in this House to renew, unnecessarily, this disturbing agitation. So far as I know and believe, they were content and ready to leave it, for the present at least, and to unite with those who came here also opponents of this Administration (though differing with us, many of them, on this subject) in ferreting out its abuses, corruptions, and extravagances, in order that the people of the country might be fully possessed of the facts. Notwithstanding these were the purposes and this the disposition of the Republican members, and of those who to some extent were affiliated with them, yet, at the very outset of this session—at its very commencement—a state of things arose, and was for more than eight weeks continued, which has rendered it quite evident, to even the most careless observer, that the irrepressible conflict is still going on, and that it will not be permitted by gentlemen on the other side to cease. Not even allowing this House to be organized; not even allowing its constitutional officers to be chosen, so that it might proceed with decorum and in order, they thrust this firebrand into these excitable elements, which are so easily inflamed by the discussion of this question.

Mr. REAGAN. I do not wish to interrupt the gentleman, but I would like to ask him a question.

Mr. BURNHAM. I would be obliged to the gentleman if he will not interrupt me. I think it much better that these interruptions should not be allowed.

The CHAIRMAN. Does the gentleman from Connecticut yield the floor to the gentleman from Texas?

Mr. BURNHAM. I do not, with all respect to the gentleman from Texas.

For more than eight weeks, Mr. Chairman, we on this side of the House sat here quietly, peaceably, under a storm—an incessant storm—of

calumny and abuse poured upon us and upon our people, such as, I venture to say, could find no parallel in the past annals of Congressional history, and, as I hope, will not find a parallel in the future; in which vituperation took the place of argument, and epithets abounded more than facts. Our opponents, pursuing a course which assumed at the outset that the Republican members had not equal rights here with themselves, asked the House to pronounce, by a deliberate vote on the passage of a resolution, that members entertaining certain political opinions, or having endorsed certain opinions, either advisedly or unadvisedly, were unfit to occupy the position of Speaker of this House; thereby undertaking to distinguish between the rights of members on this floor to entertain their own opinions on political questions; as if it required some other and higher qualifications, politically, to occupy a seat in that chair, than to occupy a seat on this floor. The resolution was not only disrespectful in terms to members who entertained these opinions, but was, through them, alike disrespectful to their constituents—the people who sent them here, knowing full well what opinions they entertained.

I do not wish to speak further in regard to the course of that debate, or of its characteristics from the beginning to the end

Parties in this country are known by names which they have respectively chosen to designate themselves; and whenever I shall have occasion to speak of those parties, I hope that I may so far observe the proprieties of the occasion, and the respect which is due from me to members of this House, as to speak of them by the names which they have chosen for themselves. I think our discussions here should be characterized by calmness, fairness, and courtesy.

Many accusations have been brought against the people of the North, or rather the Republican party, to show why they are not, as a party, entitled to the confidence of the American people. It is charged upon us that we are a sectional party. And what are the reasons that are urged to show this? They tell us that we have no representatives from Southern States upon this floor. Well, sir, that may be true. But if the question whether we are or are not a sectional party depends upon the locality of our Representatives, then I say, if the time shall come, as I trust it may soon come, when we shall find Republican Representatives from slave States occupying seats upon this floor, of course, to that extent, we shall cease to be sectional; and as the number increases, so our sectionalism will diminish, though our policy remain the same; and, sir, judged by the same rule, how long will it be before the Democratic party will become sectional? If the fact that we have no Representatives from Southern States proves us to be a sectional party, how long, let me inquire, will it be, in all probability, before the Democratic party will be subjected to the same charge? Their numbers from the North are growing "beautifully less," as the policy of the party is becoming more and more thoroughly developed, so that they are becoming very rapidly a sectional party, upon the same reasoning that they charge us with being so.

Sir, the member from Wisconsin [Mr. LARRABEE] urges another reason for regarding the Republican party as sectional and aggressive—one which I do not remember to have heard urged before. After alluding to the *habeas corpus* acts, personal liberty bills, Wisconsin platforms, &c., he adds:

"Look at the fact that a very large proportion 'of the Christian ministers who fill the pulpits 'of the North are members of the Republican 'party, and that they persistently denounce 'African slavery as a sin against God and hu-'manity."

Well, this may be a fact, as the member asserts. I have not the means to deny it, but shall have to admit that it may be true; and we must take all the consequences of the admission, especially as the member states them to be *Christian* ministers.

But they complain, further, that we of the North are radically wrong in opinion upon this question of slavery. The gentleman from Alabama [Mr. CURRY] urged this as the foundation of all the difficulty growing out of this question, they claiming, on the one hand, that the institution of slavery is sanctioned by the laws of nature and the laws of God, while we hold to the contrary; and they demand of us that we shall go home and correct the public opinion of the North on this subject of the right or wrong of holding human beings in bondage.

Sir, we at the North do hold that slavery has no sanction either in natural law or by Divine authority, and we do so teach whenever we have occasion to speak upon this subject. So, gentlemen, your fathers held, and so your fathers taught; and you will excuse us if we choose to follow in the clear light of your fathers' teachings, rather than to grope in the darkness of yours.

Our opponents demand, sir, that we shall go home, and stop the discussion of the slavery question among our people, and that we shall silence the utterances of the press on this subject. They forget that the North is free, and has none but free men. They regard a free press and free speech as the surest safeguards of their liberties, and will never consent to strike them down. Slavery, gentlemen, is your institution, not ours. We have no responsibility on account of it in your States, and claim no right to interfere with it there. But freedom of speech and of the press is our institution, and not yours, and we shall not trammel either at your dictation. They demand, sir, of the people of the North, that they shall disband the "Black Republican party," as they are pleased to call it. Sir, this demand is too ridiculously extravagant to deserve attention. They say to the people of the North, "If you 'would conciliate the South, if you would re-'store those fraternal feelings that once existed 'between the two sections, turn out these Re-'publican Representatives from their seats in 'this House, and fill them with 'conservative' 'men." Let me tell the gentlemen who make this demand, that those at the North who will

listen to this appeal have not the power to grant the request.

There has, sir, in the course of this discussion by members on the other side, appeared to me to be a great deal of misapprehension of the real sentiments of the North in regard to this question of slavery. They have carelessly and loosely gathered together extracts from the speeches of extreme Abolitionists of one stripe and another, and from their papers, and placed them alongside of extracts from the speeches of the most conservative men of the Republican party, making no distinction between them, and representing them all as having a common object, and as entertaining common sentiments.

Sir, there are various classes of opinion in the North touching this question of slavery. There are even two classes of what are termed Abolitionists—the Garrison school, who believe that the Constitution, recognising the institution of slavery, is one so morally imperfect that it imposes no obligations upon men to act under it. There is another class, belonging, I believe, to the Gerrit Smith school, who believe that the Constitution, so far from recognising slavery, is, in fact, an anti-slavery instrument, and confers upon Congress power to abolish slavery even in the States. But both of these classes are distinct from the Republican party. The Garrison Abolitionists do not, as I believe, ordinarily vote at all, holding it to be wrong to act politically under the Constitution, because, as they say, it tolerates slavery; whereas the other class have a political organization of their own, and enter the contest in some of the Northern States against the Republican party.

Sir, there should be more of the spirit of candor, of fairness, and of justice, in classifying public opinion upon this subject. The Republican party are not responsible for the extreme opinions of these men. It may be, indeed, as has been charged, that in some of the elections they, to some extent, vote with the Republican organization. It would be very likely to be true; it would be very likely that they should give their support to that party; for, though we do not come up to the extreme of their demands, we are in favor of preventing the extension of slavery, which they so much loathe, in the Territories of this Republic. But, because they do sometimes act with us, does that make us responsible for their extreme opinions?

It may be that, in certain sections of the North, there are even members of our own organization who entertain what may be thought extreme opinions, and which would not be approved by the great mass of Republicans. Are we, then, as a party, to be held responsible for their views? Not at all. We are responsible for the principles which we lay down in our national platforms as a national organization; those which we can all adopt; those to which we do all assent; and it is from these you are to learn our policy, and from these alone. There may be measures adopted and local platforms established, in one section of the North, which would not be approved by those in another section; and if there be such, we are not to be held responsible for them, unless we incorporate them in the general platform which we all approve.

And so with our opponents; there are men at the South, where their party is controlled, who hold that the laws abolishing or prohibiting the African slave trade should be repealed; that the traffic is right and proper. They hold their Conventions at the South, called for the very purpose of concerting measures to procure the repeal of those laws. There are men at the South, and they in large numbers occupy seats in this House, who proclaim that, in case of the success of the Republican party at the next Presidential election, they will rend asunder the ties which bind this Union together; and none of their party here are heard rebuking them. They send commissioners from one State to another, to concert measures for ultimate resistance to the Federal authority. They pass laws by which they assume control of the mails, and rifle them of what they may deem to be obnoxious matter.

Sir, would the Northern Democracy like to be held responsible for all the extreme views which some of these gentlemen entertain? Would you not ask our attention to the platform which your National Convention shall adopt? Would you not demand that, as a party, you should be tried by that, and not by the views that may be proclaimed by extreme men in South Carolina or in Mississippi?

Now, sir, I ask the attention of the Committee for a moment to the platform adopted by the Republican party of this country in their last National Convention, and particularly to that part of it which indicates our opinions and policy on this question of slavery, and to which the other side have principally objected. And, first, is the reassertion of the great fundamental truth of the Declaration of Independence, that "all men are created equal," &c. This our opponents declare to be a fundamental error, and our reassertion of it high evidence of our sectionalism and spirit of aggression upon the institutions of the South. Sir, have we not fallen upon evil times, when men are thus denounced for maintaining this grand truth? Dazzled, it may be, by its "glittering generalities," we do, indeed, hold to these great principles in their broadest sense, without qualification and without exception of classes. We believe the great, learned, wise, and good man who penned that Declaration knew full well the proper phrase to express his meaning; and that when he declared that all men were created free; that all men were endowed by their Creator with the right to life, liberty, and the pursuit of happiness, and that these rights were inalienable, he meant precisely what he said, and nothing less. And we do most entirely repudiate the doctrine which is now so common with the Democracy, and which was recently approved by the distinguished Senator from Illinois, [Mr. DOUGLAS,] in a speech in the Senate, that this is all to be understood with an exception against a particular race; and could I reach the ear of the thousands of freemen in this land who, it may be, are born to a life of labor—a life of toil—I would warn them to beware how they tolerate, much

more encourage, this monstrous doctrine, and to consider seriously whether the same reasoning by which its advocates seek to exclude one race, may not very naturally and very easily be applied to other classes, when the necessity, or even the convenience, of the more powerful may demand it.

Next, sir, the resolution, as follows:

"3. *Resolved*, That the Constitution confers 'upon Congress sovereign power over the Terri-'tories of the United States, for their government; 'and that, in the exercise of this power, it is 'both the right and the duty of Congress to pro-'hibit in its Territories those twin relics of bar-'barism, polygamy and slavery."

The objection to this resolution of the Republican platform, identical in substance with the ordinance of 1787, (except the polygamy, which was not then an institution in this country,) is, that it claims for Congress the constitutional authority to legislate upon the question of slavery in the Territories of the United States; and because, in addition, it expresses the opinion that Congress ought so to exercise that constitutional power, as to prohibit the existence of slavery therein. Because we entertain these views, and because, as they claim, if our party shall be successful in the coming Presidential election, we shall proceed to carry out these views, they declare to us that they will secede from this Union. Now, I know that there may be many honest people, even at the North, who, from this constant clamor that is made and kept up by our opponents against us on account of our alleged sectionalism—I say I know that there may be many honest, conservative people desiring peace, who really believe that there is something in the policy or platform of the Republican party which is new, which is disturbing, which is an innovation upon the past policy of the Government; and it is because I know this, that I propose, to such extent as I may be able, to disabuse their minds in regard to our policy, and in regard to our position. The Republican party in this respect occupies the true, conservative position; they stand where the fathers stood; they maintain the doctrines in this respect that the fathers maintained.

"They regard the institution as a great moral and political evil, and would that it had no existence; they are not unaware of the difficulties which beset it, and do not intend to promote sectional jealousy and hatred by ill-timed and misplaced discussions; they will not listen to the cry of the fanatic, nor favor the designs of the political schemer from the North or the South; nor will they ever disturb or trench upon the compromises of the Constitution; they believe the institution local and domestic—to be established or abolished by the States themselves, and alone subject to their control. But being thus the institution of a local sovereignty, and a franchise peculiar to itself, they deny that such sovereignty, or its people, can justly claim the right to regard it as transitory, and to erect it in the Territories of the United States, without the authority of Congress; and they believe that Congress may prohibit its introduction into the Territories while they remain such. And, further, that its prohibition in the Territories will, by giving them a free population as they become States, tend 'to form a more perfect Union, establish justice, insure domestic tranquillity, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.'

"Believing that it is for the 'general welfare,' for the benefit of all the States, and not for any part of them, that free territory should remain so, and that it is a legitimate subject of legislation, they desire, without intending to disturb existing rights, at all proper times, to discuss, in that spirit becoming brethren of a common household, the influences its extension is calculated to exert upon the human race and the destinies of the country. And they doubt not that if, upon the whole, it shall appear that the heaven-born principles for which this Union was framed will be best promoted by such prohibition, that those who believe their pecuniary interests or political relations will be thereby prejudiced will yield, in a becoming spirit, interests so comparatively trivial, to 'promote the general welfare.'"

This, sir, is not my own language, but the language of Senator Dickinson, then a Democratic Senator from New York, uttered in the Senate in 1847, in a speech on the subject of the Wilmot proviso, which he then spoke as the unanimous sentiment of the great mass of people at the North, which was then true, but is now true only of the Republican party. He added:

"Slavery, sir, is silently and slowly rolling its 'dark wave towards a tropical sun; and God 'grant that, in His own good time, its subjects 'may there find happy institutions, as well as a 'congenial clime."

Sir, I need not go back to a very early period in the Government to show that the statesmen of the country approved and adopted the very doctrines which the Republican party now maintain in regard to the power of Congress over slavery in the Territories, and their duty to exercise it to the exclusion of that institution.

Mr. CURRY. I desire to ask the gentleman from what clause in the Constitution he derives that power?

Mr. BURNHAM. From more than one clause; but I do not propose to argue that question at present; I prefer to proceed with my own course of argument.

Mr. Chairman, when this Government was engaged in a war with Mexico, it was charged upon the Democratic party, which then controlled the Government, by their opponents, that the originating and continuing of the war was but a scheme of the slave interest to acquire new territory southerly for the purpose of making it slave territory, to which the whole North was much opposed. And to protect themselves against this attack, the Northern Democracy were obliged to avow their fixed determination to have immediately applied to such territory as might be acquired, the substance of the ordinance of 1787, excluding slavery therefrom. And in pursuance of this avowed policy, in the House of Representatives, on the 8th August, 1846, a bill being

under consideration appropriating $2,000,000, to be placed in the hands of the President, for the purpose of negotiating a peace with Mexico, Hon. David Wilmot, then a Democratic Representative from the State of Pennsylvania, offered to that bill an amendment, providing, as a fundamental condition of any territory being acquired from Mexico, and to the use of any money therein appropriated, "that neither sla- ' very nor involuntary servitude shall ever exist ' in any part of said territory, except for crime, ' whereof the party shall first be duly convict- ' ed." On the adoption of that amendment, the vote by tellers was—yeas 83, nays 64. The whole House at that time consisted, I believe, of two hundred and twelve members, and only one hundred and forty-seven voted; so that it will be perceived there was not a full House present on that occasion. Nearly or quite all from the free States, both Whigs and Democrats, must have voted for it. In the Senate, at that session, it was lost for want of time—the hour having arrived at which the Senate was to adjourn without day. At the next session of Congress, this subject was renewed, upon a bill appropriating $3,000,000, for the purpose of negotiating a treaty of peace with Mexico. To that bill Mr. HAMLIN, then a Democratic member from Maine, moved the same amendment in substance, as follows:

"*Provided, further*, That there shall be neither ' slavery nor involuntary servitude in any terri- ' tory upon the continent of America which shall ' hereafter be acquired by or annexed to the Uni- ' ted States by virtue of this appropriation, or in ' any other manner whatever, except for crime, ' whereof the party shall have first been duly ' convicted," &c.

Mr. DOUGLAS, then a Democratic member from Illinois, moved to amend that amendment by inserting in its stead a proviso excluding slavery from all the Territories north of the line of 36° 30′, known as the Missouri compromise line; which was lost by a vote of yeas 82, nays 109. Mr. Graham, of North Carolina, then moved to amend by excluding slavery north of the line of 36° 30′, extending that line at the same time to the Pacific, and allowing slavery south of that line, if the people, in framing a State Constitution, should authorize it. That was rejected by tellers—yeas 81, nays 104. And, sir, finally, the Wilmot proviso, excluding slavery from all the Territories, was adopted on the yeas and nays, by a vote of yeas 115, nays 106. The South, with the exception of Mr. Houston, of Delaware, voted against it, and both Whigs and Americans from the free States all voted for it; and only sixteen Democrats, out of some seventy from the free States, voted against it. Among the distinguished members from the free States who voted for it were J. Q. Adams, Ashmun, and R. C. Winthrop, of Massachusetts; Hamlin, of Maine; and J. A. Rockwell, a former distinguished Representative from the district which I have now the honor to represent.

In the Senate, this amendment was lost, most of the Democratic Senators from the North, I believe, voting for it; and those even who voted against it, so far as their sentiments are recorded, did not put their votes upon the ground that Congress had no power to exclude slavery. Mr. Dickinson, to whom I have before alluded, now a distinguished Democrat, and, I believe, a prospective candidate before the Charleston Convention, although he voted against the Wilmot proviso, yet acknowledged the authority of Congress to pass it, and the propriety of Congress doing it at a proper time; placing his objection principally upon the ground that he would not vote for it in an appropriation bill furnishing money for the purpose of procuring a peace. He would, he said, willingly vote for it to be a part of any treaty or of any resolution by which territory was proposed to be acquired. Mr. Cass, then a Democratic member of the Senate, from Michigan—although he at that session voted against it, it being generally understood that at the previous session he had expressed his opinion in favor of it—put his opposition, not upon the want of authority in Congress to pass this proviso, but upon the ground that it ought not to be incorporated into a bill appropriating money for this purpose; neither, in his opinion, ought it to have been incorporated into any treaty by which Territories were to be acquired; because, to state his own argument, it would put it within the power of one-third of the Senate to defeat the measure; whereas, if it were applied, or sought to be applied, when we came to the organization of the Territories, it could be adopted by a simple majority vote.

Mr. MCCLERNAND, a Democratic member from Illinois—the same, I understand, now a Representative from that State upon this floor—in regard to the constitutional power of Congress to prohibit slavery in the Territories, in the House, January, 1847, said:

"As to the jurisdiction of Congress over the ' question of slavery, Mr. MCCLERNAND was clear ' and confident in his views. He believed that ' Congress could not constitutionally in any way ' interfere with the institution of slavery in the ' slaveholding States, because the institution was ' local, and subject alone and exclusively to the ' jurisdiction of the States." * * * "In re- ' gard to the Territories of the United States, ' the case was different. In regard to them the ' jurisdiction of this Government was supreme, ' and from very obvious principles. The power to ' acquire territory is an incident to every Gov- ' ernment. It exists *ex vi termini*. Every Gov- ' ernment has claimed and many of them have ' exercised it. This position predicated, what ' follows? Of course, the natural, necessary, ' and resulting power to govern the territory ac- ' quired, which, being a complete power, of ' course involves the power to determine whether ' slavery or any other particular institution shall ' exist in the Territory."

Mr. Chairman, so much for the opinion, then, of a member of this House who joins in the general clamor of sectionalism, as charged against the Republican party, because they now insist upon the same constitutional power and authority in Congress to legislate upon the subject of slavery, in regard to which he was then so

clear and confident. Doubtless he has changed his views on this question, as he has a right to; but I suggest whether it is quite proper for him to be so ready to join in denunciation of us, who have not seen so clearly why we should change ours. If we persist in entertaining the opinions upon this subject which he entertained no longer ago than 1847, I think he ought to be careful somewhat how he charges us with sectionalism, and as being enemies of the Constitution on that account.

Mr. Dix, then a Democratic Senator from the State of New York, and now a prominent member of the Democratic party, in a speech in the Senate, March, 1847, on the three-million bill, having spoken, in reply to charges then made against the people of the North of aggression upon Southern rights, of the forbearance of the North towards the South in having purchased all the slave territory which was contiguous to the Territories of the United States, without murmur or complaint, and agreeing to its admission into the Union as slave States, goes on to say:

"The non-slaveholding States are now asked 'to go further; to purchase free territory, and 'leave it open to the extension of slavery; to 'extend to free soil and to free communities an 'evil which our Southern friends have told us 'was forced upon them against their wishes and 'consent. The unanimity with which the Legislatures of New York, Pennsylvania, Ohio, and 'other States, have acted in reference to this 'proposition, is but an index to the universal 'opinion which pervades the whole North and 'West. They never can give their assent to it. 'It is regarded by all parties as involving a principle which rises far above the fleeting interests 'of the day—a principle which they should not 'be asked to yield; for, by yielding it, they 'would consider themselves instrumental to the 'extension of what they believe to be wrong, 'and what, in their opinion, nothing but necessity can justify."

Mr. Dix voted for the proviso.

Senator Dickinson, in the speech from which I have already quoted, speaking of resolutions of instruction from the Legislature of New York, says:

"This resolution, then, instructs us, that when 'any territory shall be brought within our jurisdiction by the act of Congress—whatever that 'act may be—to insert in such an act a fundamental clause prohibiting slavery, (and so I am 'ready to vote, instructed or uninstructed;) but 'not to insert it into an appropriation bill, designed to facilitate negotiations for a peace, before the negotiation has even commenced."

Now, Mr. Chairman, I propose to read further, from another volume of these debates, from the remarks of a statesman whose opinions, I am sure, will be regarded with veneration by some gentlemen in this House who have joined as loudly as any in the clamor against the sectionalism, as they term it, of the Republican party. I read from the opinions expressed by Henry Clay, in the session of 1850, and I will read not only what I designed upon this point, but also what would be more applicable to another point, should I be so fortunate as to reach it before the expiration of my hour.

What I read now is from the celebrated speech of that statesman, made in the Senate of the United States in 1850, upon his series of resolutions for the settlement of the then existing difficulties. He has been speaking of having called on the North, in one resolution, to give up their cherished policy of the Wilmot provisio; and he says, in connection with that:

"Well, when I called upon them [that is, the 'North] in that resolution to do this, was I not 'bound to offer, for the surrender of that favorite 'measure of theirs, some compensation—not an 'equivalent, by any means, but some compensation—as that spirit of mutual forbearance 'which animates the one side ought, at the 'same time, to animate the other side? What 'is it that is offered them? It is a declaration of 'what I characterize, and must style, with great 'deference to all those who entertain the opposite opinion—I will not say incontestable, but 'to me clear, and I think they ought to be regarded as—indisputable truths And what are 'they? The first is, that, by law, slavery no 'longer exists in any portion of the acquisition 'made by us from the Republic of Mexico; and 'the other is, that, in our opinion, according to 'all the probabilities of the case, slavery never 'will be introduced into any portion of the territories so acquired from Mexico."

Here you see, Mr. Chairman, that he declares it as his opinion, that when these territories had been acquired from Mexico, slavery did not legally exist there. So much for that. Then he adds, in regard to another point:

"Now, really, I must say, that the idea that *eo* '*instanti*, upon the consummation of the treaty, 'the Constitution of the United States spread 'itself over the acquired country, and carried 'along with it the institution of slavery, is so irreconcilable with any comprehension or any 'reason which I possess, that I hardly know 'how to meet it."

Here you hear him, Mr. Chairman, declaring, in the first place, that on the acquisition of the territory, slavery did not legally exist, and declaring further against the doctrine, which is the modern doctrine of Democracy, that the moment territory is acquired, the Constitution extends itself over it, and carries slavery with it.

I wish to read further from the same speech, where he was replying to the charge that the North was aggressing on the South, and that such aggressions must cease, or the South would take their rights into their own hands, and rend the Union in twain. He said in regard to that, after having spoken of there being no right in Congress to legislate on the subject of slavery in the States, and that if they should attempt that, he would be ready with them to take up the sword in defence of their rights:

"But if, unhappily, we should be involved in 'war, in civil war, between the two parts of this 'Confederacy, in which the effort on the one side 'should be to restrain the introduction of slavery 'into the new Territories, and upon the other side

' to force its introduction there, what a spectacle ' should we present to the astonishment of mankind, in an effort not to propagate rights, but— ' I must say it, though I trust it will be understood to be said with no design to excite feeling—a war to propagate wrongs in the Territories thus acquired from Mexico. It would be ' a war in which we should have no sympathies, ' no good wishes; in which all mankind would ' be against us; in which our own history itself ' would be against us; for, from the commencement of the Revolution down to the present ' time, we have constantly reproached our British ' ancestors for the introduction of slavery into ' this country."

Go, gentlemen, you who revere the memory of Henry Clay, and take from him this rebuke, when you proclaim here, in the face of the nation, that in case this policy of the Republican party—the exercise of the power of Congress to prohibit slavery in the Territories—is carried out, you will rend the Union asunder.

Then he says, as to the constitutional power:

"The power, then, Mr. President, in my opin- ' ion—and I extend it to the introduction as well ' as to the prohibition of slavery in the new Territories—does exist in Congress; and I think ' there is this important distinction between slavery outside of the States and slavery inside of ' the States: that all outside of the States is debatable, and all inside of the States is not debatable. The Government has no right to attack ' the institution within the States; but whether ' she has, and to what extent she has or has not, ' the right to attack slavery outside of the States ' is a debatable question—one upon which men ' may honorably and fairly differ; and, however ' it may be decided, furnishes, I trust, no just ' occasion for breaking up this glorious Union of ' yours."

Now, sir, a word further. I quote largely from that distinguished man, because I know that his opinions on this subject are deemed of value by the country. At the same session he is repelling an attack from Senator Foote, of Mississippi, on account of a letter which he had then recently written to a Convention in Ohio, proposing to celebrate the adoption of the ordinance of 1787. On that question he says:

"I was invited to attend the celebration of the ' anniversary of the passage of the ordinance of ' 1787; and I think I gave a very delicate rebuke ' to the parties sending me an invitation to the ' celebration of any such day. I said it was the ' first time the day had been celebrated, although ' sixty years have elapsed since the passage of ' that ordinance. I added, and I add here and ' everywhere, that not one of them, that no ' man in the United States, was more opposed ' than I was to the introduction of slavery into ' any of the new Territories of this country by ' positive enactments of law, and that I did not ' believe there existed, under the present state of ' what I conceive to be the laws of Mexico, any ' right on the part of any individual to carry ' slaves there. That is what was in the letter."

Now, Mr. Chairman, I am ready, so far as all the purposes, all the designs, all the wishes of the Republican party of the country with regard to the institution of slavery in the Territories is concerned, to rely on the doctrines announced in these three particulars, by the Senator from whom I have quoted, if they shall be carried out. In the first place, declaring that by law slavery did not exist in the Territories when we had acquired them from Mexico; in the next place, repudiating this modern doctrine of Democracy, that *eo instanti* the Constitution spread itself over the Territories acquired, and carried with it slavery; and then adding that no man was more opposed than he to introducing slavery there by positive enactment. I say that, with these three positions maintained, there is no way in which slavery can ever find a legal foothold in any of the Territories of the Government. And yet we are defamed because we advocate the doctrine of the power of Congress to exclude it. Go tarnish, if you can, with the breath of your calumny, the bright lustre of his fame. If it was right in him, it cannot be treason in us.

Again he says, on another point:

"I have made no change. From the earliest ' moment when I could consider the institution ' of slavery, I have held, and I have said, from ' that day down to the present, again and again, ' and I shall go down to the grave with the opinion, that it is an evil, a social and political evil, ' and that it is a wrong as it respects those who ' are subject to the institution of slavery. These ' are my opinions. I quarrel with no man for ' holding contrary opinions; and it is perfectly ' true that in my own State, about this time last ' year, I addressed a letter to a friend, in which ' I suggested these opinions, and sketched out ' what appeared to me might be a practical plan ' for the gradual emancipation of slavery in Kentucky. That letter I chose to put on record. ' I knew at the moment when I wrote that letter ' at New Orleans, as well as I know it this moment, that a majority of the people of Kentucky ' would not adopt my scheme, or probably any ' project whatever of gradual emancipation. ' Perfectly well did I know it; but, sir, I was ' anxious that if any one of my posterity, or any ' human being who comes after me, should have ' occasion to look into my sentiments, and ascertain what they were on this great institution of ' slavery, they should find them on record there. ' And, ineffectual as I saw the project would be, ' I felt it was a duty which I owed to myself, to ' truth, to my country, and to my God, to record ' my sentiments." * * *

"But, sir, I desire the sympathy of no man, ' the forbearance of no man. I desire to escape ' from no responsibility of my public conduct on ' account of my age, or from any other cause. ' I ask for none. I am in a peculiar situation, ' Mr. President, if you will allow me to say so, ' without any earthly object of ambition before ' me; separated, to a great extent, from all the ' earthly ties which connect a mortal with his ' being during this transitory state. I am here, ' expecting soon to go hence; and owing no responsibility but that which I owe to my own ' conscience and to God. Ready to express my ' opinions upon all and every subject, I am de-

'termined to do so; and no imputation, no threat, 'no menace, no application of awe or terror to 'me, will be availing in restraining me from ex- 'pressing them. None; none whatever. The 'honorable Senator, if he chooses, may deem me 'an Abolitionist. Be it so."

Sir, that was indeed a sublime spectacle. The great Senator, standing in his place in the Senate—a place which he had so long occupied, and which no living man can fill—his head silvered by the frosts of age, and his frame enfeebled by gathering infirmities; yet his eye undimmed, his proud spirit unbroken, his patriotism uncorrupted, thrusting all earthly temptations behind him, desirous only to speak wise words of counsel to the living, and to record them for posterity. Never did his sun shine with more surpassing brilliancy, not even when it rode proudly at its zenith, than now, as in its unclouded and tranquil setting, it threw back its level beams upon these transpiring events in his country's history.

One more extract, Mr Chairman, and I have done with them. Daniel Webster, in a speech in the Senate, in 1848, on the Oregon bill, said:

"I rest on these propositions: 1. That when 'this Constitution was adopted, nobody looked 'for any new acquisition of territory to be formed 'into slaveholding States; 2. That the principles 'of the Constitution prohibited, and were in- 'tended to prohibit, all interference of the Gen- 'eral Government with slavery as it existed, and 'as it still exists, in the States. And then, look- 'ing to the operation of these new acquisitions, 'which have in this great degree had the effect 'of strengthening that interest in the South by 'the addition of these five States, I feel that 'there is nothing unjust, nothing of which any 'honest man can complain, if he is intelligent; 'and I feel that there is nothing with which the 'civilized world, if they take notice of so hum- 'ble a person as myself, will reproach me, when 'I say, as I said the other day, that I have made 'up my mind, for one, that *under no circumstances 'will I consent to the further extension of the area 'of slavery in the United States, or to the further 'increase of slave representation in the House of 'Representatives.*"

Now, sir, I have shown the Committee that such was the position of all parties at the North, both Whigs and Democrats, at the time when this proposition was introduced into the Congress of the United States; and also of Clay thereafter, in the great discussions of the Senate on the compromise measures of 1850; and that they sustain most completely the position of the Republican party to-day, and as completely condemn the doctrines of our opponents. I had intended, sir, to follow this subject down through the various changes of the Democracy on this question to their present unfortunate position, but time will not permit.

Sir, it has been customary here, with many members on the other side, to close their speeches with a distinct avowal of the purpose of the South in the event of the election of a Republican President in the coming contest, which they seem to anticipate. And we are told in vivid language that she will forbear no longer; that she will then strike the blow which will shatter the Union; that she will then draw the sword and throw away the scabbard; that her sons will then light the fires on all her hill-tops; that they will then rush to battle with flaming torches and gleaming daggers. All this I regard as simply a picture of the imagination. Wiser counsels will prevail.

The Republican party will pursue a better course. If by the voice of the people it shall be called to power, *it will take possession of the Government*, and administer it with strict regard to the constitutional rights of all; but whether in prosperity or adversity, whether in victory or defeat, it will be true and steadfast to the Constitution and the Union; and its members, in whatever position, will not be unmindful of the great trust committed to them by their fathers; but, as faithful stewards, will endeavor so to manage it, that they may pass it down to posterity, an unimpaired inheritance.

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